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October 19, 2020

Via ECF

Hon. Debra C. Freeman
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The application is granted, and this Court will mark the sanctions motion as withdrawn without prejudice. The parties are directed to confirm an agreed deposition date.

Dated: 10/21/2020
SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Re: Maarv Waterproofing, Inc. v. Ashkenazy Acquisition Corp. et al.
Civil Action No. 18-cv-09415-DCF-VM

Dear Magistrate Judge Freeman:

My firm represents defendants Ashkenazy Acquisition Corporation and AAC Cross County Mall LLC in the above referenced civil action. By letter motion dated October 13, 2020 the plaintiff, Maarv Waterproofing, Inc., is seeking the imposition of discovery sanctions pursuant to FRCP 37(d) by reason of the inability of the Defendants to produce Bob Burns, a former employee of the Defendants, for deposition.

My clients reached out once more to Mr. Burns, who has had a change of heart, and is now willing to appear voluntarily. I have communicated this to Alan Winkler, Esq., who has indicated that, assuming Mr. Burns appears, Plaintiff is willing to withdraw the motion.

Accordingly, I respectfully request that Your Honor suspend the motion schedule fixed in the Court's October 5, 2020 Order, and permit the reopening of discovery for the limited purpose of permitting the parties to conduct Mr. Burns's deposition.

Very truly yours,

/s/ J. Ted Donovan

cc: Alan Winkler, Esq.